

March 14, 2022

Submitted via email to: EGLE-ClimateSolutions@Michigan.gov

Michigan Advisory Council on Environmental Justice Comments Re. the Michigan Healthy Climate Plan

I. Introduction

The Michigan Healthy Climate Plan (MHCP or Plan) presents an opportunity for our state to galvanize a just transition that ensures a livable future for all Michiganders. While the goals of achieving carbon neutrality by 2050 in a manner that centers equity and environmental justice are laudable, the development of the MHCP and its lack of details regarding how it will further environmental justice and equity raise legitimate questions as to whether the MHCP will live up to the lofty goals it describes. To start, the process that led to this Plan did not adequately incorporate the concerns of environmental justice communities. As for substance, the Plan needs to set more ambitious energy transition goals, propose more specific timelines, create methods for evaluating implementation of the Plan, and create a mechanism for accountability.

The Michigan Advisory Council on Environmental Justice (MAC-EJ) submits these comments in hopes to improve the Plan's consideration of environmental justice issues. We hope these comments help lay the groundwork for an equitable climate future for our communities. Our comments provide the state with recommendations that seek to (1) improve the process for developing and implementing this Plan, (2) improve the goals and accountability metrics in the Plan, (3) address important gaps in the draft Plan and (4) develop and implement environmental justice policies that improve the material and health conditions of environmental justice communities.

II. The Michigan Advisory Council on Environmental Justice

Governor Whitmer created the Michigan Advisory Council on Environmental Justice on January 23, 2020 with the goal of “advocat[ing] for immediate relief to frontline communities while simultaneously supporting development of long-term, sustainable Environmental Justice solutions.”¹ The Council represents a broad swath of Michigan communities and its members are from all parts of the state.² The group is made up of representatives from frontline environmental justice communities, academia, government, business, and industry.³

¹ Michigan Department of Environment, Great Lakes, and Energy, *Michigan Advisory Council on Environmental Justice*, available at https://www.michigan.gov/environmentaljustice/0,9615,7-400-98505_98667---,00.html

² *See id.*

³ *Id.*

MAC-EJ has had only limited effectiveness in persuading the state to make decisions based on environmental justice. For example, MAC-EJ raised serious concerns with the Line 5 oil tunnel and the Ajax hot-mix asphalt plant in Flint. Despite this, EGLE still decided to move forward with permitting on both matters.⁴ There is a disconnect between the State's rhetoric surrounding environmental justice, and its actions that negatively affect the health and welfare of environmental justice communities.

In order for the State's advancement and implementation of climate policy to be just and equitable it must reflect important concepts foundational to environmental justice. For this reason, the MAC-EJ would like to reiterate key principles of environmental justice before proceeding.

All too often States and agencies rely on an overly narrow view of environmental justice. Under this view, color blindness is the center of equity and justice. However, color blindness only entrenches the very real problems facing environmental justice communities; problems that result from racism and bias.⁵ Indeed, President Clinton's Executive Order on Environmental Justice (EO 12,898) should be viewed as the minimum standard of environmental justice – it requires that agencies consider the environmental justice consequences of their actions, but fails to meaningfully provide environmental justice communities with firm tools to influence policy outcomes.⁶ While it has no doubt advanced society's broad understanding of environmental justice issues, EO 12,898 must be considered in the broader context of the environmental justice movement.

Community organizing has been at the heart of the environmental justice movement since its inception. In 1996 at a meeting hosted by the Southwest Network for Environmental and Economic Justice (SNEEJ) in Jemez, New Mexico, representatives of numerous environmental justice communities convened to devise the "Jemez Principles."⁷ These principles lay the foundation for how environmental justice movements organize and provide guideposts for how just climate policy ought to be structured.⁸ These principles include:

1. **Be inclusive.** Environmental justice communities need to be included in all aspects of decision making that will affect the health and welfare of their communities. Inclusivity is more than a seat at the table. It is the ability to influence the outcome of the process in a

⁴ See generally, Line 5 Tunnel Project Proposal, available at <https://www.michigan.gov/line5/>; see also, Kayla Ruble, State approves permit for controversial asphalt plant near Flint. Residents are angry., Detroit News, (Nov. 15, 2021)

⁵ Dylan Bugden, Environmental Inequality in the American Mind: The Problem of Color-Blind Environmental Racism, *Social Problems*, 2022;, spac005, <https://doi.org/10.1093/socpro/spac005>

⁶ Richard Marcantonio, The Unfulfilled Promise of the Environmental Justice Executive Order, (Feb. 11, 2014), Public Advocates, available at <https://www.publicadvocates.org/resources/blog/the-unfulfilled-promise-of-the-environmental-justice-executive-order/> (quoting Dr. Robert Bullard's criticism of EO 12,898 at 20 years).

⁷ Jemez Principles for Democratic Organizing, Southwest Network for Environmental and Economic Justice (SNEEJ), 1996, available at <https://www.ejnet.org/ej/jemez.pdf>.

⁸ *Id.*

meaningful way. Indeed, striving for inclusivity “may delay achievement of other important goals, it will require discussion, hard work, patience, and advance planning.”

2. **Bottom Up Change.** Our institutions should constantly be striving to reach new constituencies, seek more input, and seek to incorporate input into formal policies.
3. **Let people speak for themselves.** All spokespersons for a community must come from that community and be responsible to that community. Organizations and institutions must clarify their roles and which constituencies they represent.
4. **Work together in solidarity and mutuality.** The environmental justice movement is a key part of advancing effective climate policy that addresses the needs of frontline communities. Giving priority to the voices of the most affected reflects solidarity and mutuality within and between communities and institutions.
5. **Build just relationships among ourselves.** We need to treat each other with justice and respect, both on an individual and an organizational level, in this country and across borders.
6. **Commit to transformation.** Not only must we transform our society to meet the urgency of the climate crisis, we must also commit to transforming ourselves. To achieve a just and equitable future for our communities we must shift our perspective from individualism to community-centeredness and common good.⁹

MAC-EJ is only as effective as the state is receptive to our recommendations. Seeking out the advice of frontline communities without acting on it renders advisory bodies like MAC-EJ entirely meaningless. EGLE and other agencies subject to this Plan must take decisive actions that address environmental injustices that are harming environmental justice communities today. The commitment to equity and justice made in the MHCP must be reflected in substantive policy, regulatory, and legislative changes. These actions must be informed by the Jemez Principles, which are foundational in achieving environmental justice.

We hope that EGLE and the State take the recommendations in this letter seriously by implementing them through meaningful and lasting actions.

III. Recommendations

A. Procedural Issues

⁹ *Id.*

The process leading up to the publication of the draft Plan did not include sufficient engagement of environmental justice communities. While the state has conducted EJ community listening sessions and tribal consultation on the plan, this engagement took place after the date of the draft Plan's release.¹⁰ The lack of engagement with EJ communities resulted in weaknesses in the way the Plan approaches environmental justice issues. We hope to both correct the record on the participation of EJ groups in developing this plan and provide recommendations on how to improve engagement in the future.

The Plan indicates that the Climate Justice Brain Trust and the MAC-EJ had a hand in advising public officials on the Plan and creating strategies for the clean energy transition. However, members of these bodies report that this engagement was sparse and disjointed.

The Climate Justice Brain Trust only had one opportunity to provide written feedback on a draft of electrification and energy transition aspects of the plan. Several of the written recommendations did not make it into the final draft of the Plan. Moreover, several members of the Trust transitioned out of their role and nobody was named to replace them. The Climate Justice Brain Trust no longer meets and has not met in several months and has effectively disbanded. This body was not effective in imbuing this plan with climate justice. Members of the Brain Trust and the MAC-EJ recommend that the trust be discontinued. Rather than create a new advisory body specific for climate issues, EGLE should instead work to strengthen the effectiveness of MAC-EJ.

As for MAC-EJ, there have been continuing frustrations with its effectiveness and purpose among members. The issues MAC-EJ has brought to the attention of the Executive Office of the Governor and EGLE have not resulted in concrete policy changes that benefit EJ communities. To the contrary, the State is moving forward with numerous projects that harm EJ communities and increase greenhouse gas emissions.¹¹

If the State wishes to proceed with obtaining the advice of climate and environmental justice experts on the MHCP we recommend the following.

Firstly, equity and justice experts should be consulted at the initial stages of formulating the Plan. The time for this has passed in regards to the initial draft of the Plan, but these experts can still be consulted on future drafts before they are finalized.

Second, the process for obtaining the advice of climate justice experts should be more formalized such that members of the Council on Climate Solutions view it as an important and

¹⁰ Compare, Michigan Healthy Climate Plan, Jan 14, 2022 and Environmental Justice Listening Session, February 14, 2022, available at [this link](#).

¹¹ Garret Ellison, *Line 5 tunnel would worsen climate change impacts, opponents testify*, MLive, Sep. 16, 2021, available at [this link](#).

essential part of the climate planning process rather than an afterthought. This would include formal processes directing the council to submit a completed draft of the Plan to the MAC-EJ for review and commentary by a date certain. This would be followed by a reciprocal dialogue between these advisory bodies and agreement on a final text before issuing the final plan. In this way, the MAC-EJ can play a meaningful role in the drafting of the final Plan and hopefully improve how the state will approach matters of climate justice moving forward. The State should follow this model as it implements the MHCP as well. Once the Plan is finalized, the MAC-EJ would also appreciate having regular meetings with the Council on Climate Solutions as well as EGLE's Office of Climate and Energy and Environmental Justice Advocate.

B. Recommended revisions to the existing contents of the MI Healthy Climate Plan

The MI Healthy Climate Plan sets a goal of reducing greenhouse gas emissions from 2005 levels by 28% by 2025, 52% by 2030, to achieve carbon neutrality by 2050, and to maintain net negative greenhouse gas emissions after 2050.

Additionally, the Plan acknowledges climate-related inequities and that absent deliberative efforts to address such inequities, these divides will only grow in coming decades. As such, the Plan also establishes a goal of identifying strategies that will not only meet greenhouse gas emission reduction goals, but to specifically identify strategies that will also resolve climate-related inequities.

To advance these dual goals of reducing greenhouse gas emissions in a manner that addresses climate-related inequities, the Plan identifies 5 key focus areas: energy production; transportation; businesses and homes; environmental justice, and; leadership and innovation. For each focus area, the Plan provides a number of strategies that will be pursued to meet its greenhouse gas emission reduction and environmental justice goals.

Unfortunately, the Plan includes too few details about how it will promote environmental justice. Despite acknowledging that "deliberative efforts" are needed to address climate-related inequities, that Plan provides almost zero details about what those deliberative efforts will be, timelines for implementation, how success will be measured, and who is responsible for implementing them. Without these details, it is impossible to ensure that the MHCP will meaningfully advance environmental justice.

Additionally, while the Plan proposes to put equity "front and center in Michigan's climate change response," it fails to properly frame the environmental injustices that may become reality in the future envisioned by this Plan.

Broadly speaking, this Plan envisions a future in which Michigan gradually decarbonizes its energy production sector while rapidly and broadly electrifying Michigan communities. As envisioned in this Plan, decarbonizing Michigan's energy production sector will require Michigan's electric utilities to immediately begin transitioning from predominantly relying on coal-fired power plants to gas-fired power plants. Indeed, this transition is already underway for some of Michigan's largest electric utilities.¹² Over time, the Plan envisions a decreasing reliance on gas-fired power plants and an increasing reliance on renewable energy resources, such as solar and wind.

The shift towards gas-fired power plants in combination with electrifying Michigan communities poses a serious environmental justice threat. Studies have found that air pollution from gas-fired power plants often disproportionately impacts people of color at rates higher than coal-fired power plants.¹³ Further, while the Plan describes a vision for broadly electrifying Michigan's communities, many people of color or lower income will be unable to fully participate in such a shift. For example, numerous studies have found that people of color disproportionately lack access to acquiring electric vehicles.¹⁴ In short, there is a significant chance that this Plan will lead to a future in which people of color and lower income are not only disproportionately burdened by the gas-fired power plants that will power our increasingly electrified communities, but also that such people will not be able to acquire an electric vehicle or other goods in order to realize the benefits of electrification.

The Plan does not, at any point, explicitly discuss race, racial inequities, or racial injustice. It also does not discuss in sufficient detail disproportionate impacts on the basis of race, such as the disproportionate burden people of color face regarding gas-fired power plants or the disproportionate lack of access people of color face regarding acquiring an electric vehicle.

By failing to expressly consider race, the Plan does not explore the racial inequities that have largely defined our fossil fuel economy to date and that are very likely to arise in the pursuit of the goals the Plan describes. The first step towards creating a Plan that truly puts equity front

¹² Morgan Evans, Consumers Energy Kicks Coal, Shifts to Natural Gas with Big Plans for Renewables in the Future, Natural Gas Intelligence, Jul. 21, 2021, available at <https://www.naturalgasintel.com/consumers-energy-kicks-coal-shifts-to-natural-gas-with-big-plans-for-renewables-in-the-future/>

¹³ A recent study by the Political Economy Research Institute found that the proportion of Black and Hispanic residents living within three miles of a power plant was higher for natural gas (13.4% Black, 19.8% Hispanic) than for coal (8.1% Black, 6.1% Hispanic). Bridget Diana, Michael Ash, and James K. Boyce, *Green for All: Integrating Air Quality and Environmental Justice into the Clean Energy Transition*, Mar. 9, 2021, available at <https://peri.umass.edu/economists/michael-ash/item/1408-green-for-all-integrating-air-quality-and-environmental-justice-into-the-clean-energy-transition>

¹⁴ In California, electric vehicle purchasers have a mean income of \$190,000 per year. In Maryland, only 4% of electric vehicle owners are African-American despite being 30% of the State's population. Scott Hardman, Kelly Fleming, Eesha Khare, and Mahmoud Ramadan, A perspective on equity in the transition to electric vehicle, MIT Science Policy Review, Aug. 30, 2021, available at https://sciencepolicyreview.org/wp-content/uploads/securepdfs/2021/08/A_perspective_on_equity_in_the_transition_to_electric_vehicles.pdf

and center is to acknowledge and account for existing and potential racial inequities that may have occurred, are occurring, or have the potential to occur.

While this big picture approach of identifying past, present, and future racial inequities is necessary to expressly identify key environmental justice issues, the Plan must then also adopt specific strategies aimed at addressing these issues. These strategies must be community-driven and reflect the priorities of environmental justice communities and advocates. Such strategies should be ingrained throughout the Plan in each of the focus areas and should include but are not limited to the following:

i. *Energy Production*

- Establish that in order to meaningfully reduce the most harmful impacts of climate change we must rapidly reduce our reliance on fossil fuels for energy;¹⁵
- Adopt a specific, quantifiable goal regarding the development of distributed generation renewable energy systems in communities of color;
- Adopt a specific, quantifiable goal to ensure people of color have equitable access to renewable energy;
- Adopt a specific, quantifiable goal to reduce energy burden for low-income households;
- Establish a policy against any new or expanded fossil-fuel fired power plants in Michigan as clean technologies advance. If it is found that future circumstances necessitate the development of new fossil-fuel fired power plants or the expansion of existing fossil-fuel fired power plants, such projects must avoid being located in environmental justice communities in order to avoid furthering the disparate impact fossil-fuel power plants have on such communities.

ii. *Transportation*

- Adopt a specific, quantifiable goal regarding the number of transit trips taken by Michigan residents, as well as residents in metro-Detroit and Grand Rapids;
- Adopt a specific, quantifiable goal regarding the reduction in vehicle miles traveled.
- Direct the Michigan Department of Transportation to create a climate plan with the goals of reducing transportation carbon pollution by encouraging more frequent use of public transportation and a reduction in vehicle miles traveled, supporting transportation that improves public health and equity by analyzing Department projects for environmental

¹⁵ Michigan's energy production and consumption emitted 162 million metric tons of Co2 in 2018. Total Carbon Dioxide Emissions, 2018, Energy Information Administration, <https://www.eia.gov/state/rankings/?sid=MI#/series/226>; See e.g., Hundreds of Scientists Tell Biden: Halt Fossil Fuel Development Now, Center for Biological Diversity, *available at* <https://biologicaldiversity.org/w/news/press-releases/hundreds-of-scientists-tell-biden-halt-fossil-fuel-development-now-2021-10-07/>

justice impacts, supporting multi-modal transportation by creating specific goals for the adoption of complete streets elements in Department projects, improving the resiliency of Michigan's transportation system given the present and predicted impacts of climate change, particularly intense rain storms.

iii. *Businesses and Homes*

- Adopt a specific, quantifiable goal to reduce energy burden for low-income households.
- Ensure communities of color and lower income receive an equitable amount of funding from energy waste reduction programs.

iv. *Environmental Justice*

- Enhance the Energy Transition Impact Project (ETIP) by creating a Just Transition Action Plan that empowers workers and communities dependent on a fossil-fuel based economy to transition to a decarbonized future. Such a plan should first address and prioritize assisting workers and communities that have relied on coal-fired power plants. Additionally, the Plan should address what type of assistance will be provided to communities to transition former industrial sites to non-industrial uses. Given the transition that is also underway in various other industries in Michigan, a Just Transition office and Advocate could be a valuable asset in coordinating the various transition and implementation issues, working with the agencies and interested parties involved.
- Create a clear and transparent framework describing how Michigan will meet Justice40 guidelines that involves environmental justice communities and organizations having meaningful input regarding the expenditure of funding for climate-related programs.
- To protect against future industrial facilities, such as auto assembly plants and electric vehicle battery manufacturing plants, disproportionately impacting communities of color, establish that Michigan Department of Environment, Great Lakes, and Energy will develop clear policies and procedures describing how it will ensure its programs and activities, including permitting and enforcement decisions, do not have the effect of subjecting individuals to discrimination because of their race, color, or national origin as required by EPA civil rights regulations. Such policies and procedures should describe how the Department will consider cumulative impacts in the context of its programs and activities.

v. *Leadership and Innovation*

- Given the history of industrial facilities clustering in environmental justice communities, delete language encouraging the development of "clean industrial hubs."
- Establish specific, quantified goals for ensuring communities of color and lower income receive equitable land and water protection.

C. Proposed additions to the MHCP

a. Accounting for cumulative impacts

The burdens of climate change will disproportionately affect those communities that are already experiencing harm from local pollution.¹⁶ For example, in Detroit local particulate and chemical air pollution are leading to reduced quality of life.¹⁷ Many Detroiters experience asthma, cancer, and other maladies directly associated with pollution.¹⁸ Despite this, the Plan does not discuss in any detail the cumulative burden environmental justice communities face and what the State plans to do about it. On the contrary, the Plan praises the very actors causing air pollution from their auto manufacturing facilities in Detroit.¹⁹ The Michigan Department of Environment, Great Lakes, and Energy is presently facing numerous civil rights complaints resulting from its decisions to site harmful polluting facilities in black, brown, and low income communities in Michigan.²⁰

Let us use the MHCP to put an end to this practice. Environmental justice communities do not expect to totally revolutionize manufacturing and energy overnight, but they do expect to be treated justly and equitably. To ensure that the benefits and burdens of our transition away from fossil fuels are distributed equally, the State must devise a policy that directs agencies to account for cumulative burdens of the climate-related decisions on EJ communities.

b. Creating resilient water infrastructure in the face of climate change

The MHCP has a notable lack of detail regarding creating resilient water infrastructure. An alarming number of communities are exposed to unsafe water and many studies have found links

¹⁶ EPA. 2021. Climate Change and Social Vulnerability in the United States: A Focus on Six Impacts. U.S. Environmental Protection Agency, EPA 430-R-21-003.

¹⁷ The Blackest City in the US is facing an environmental justice nightmare, The Guardian (2020), <https://www.theguardian.com/us-news/2020/jan/09/the-blackest-city-in-the-is-us-facing-an-environmental-justice-nightmare> (last visited Mar 11, 2022).

¹⁸ *Id.*

¹⁹ Compare MHCP at 19 (“Stellantis announced its intention to convert its Chrysler brand to all EVs by 2028.” and Eric D. Lawrence, Detroiters Protest stellantis mack plant after state issues new emissions violation notice Detroit Free Press (2021), <https://www.freep.com/story/money/cars/chrysler/2021/10/27/residents-protest-stellantis-jeep-plant-emissions-violation/8569681002/> (last visited Mar 11, 2022) (“Kenneth Holloway, 55, who lives on Beniteau near the plant, said he had to take his wife to urgent care a few days ago because of the smell, and he’s frustrated that residents aren’t getting better support from the city and company. ‘It’s sad that we get treated like third-hand citizens over here in this area right here. We’re good people, we’re taxpayers. We take care of our property,’”).

²⁰ Flint residents Sue State Agency for approving air-polluting asphalt plant, Earthjustice (2022), [available at this link](#) (last visited Mar 11, 2022). Great Lakes Environmental Law Center, Residents of Beniteau file civil rights complaint detailing discrimination by EGLE in permitting of Stellantis Detroit Complex Great Lakes Environmental Law Center (2021), [available at this link](#) (last visited Mar 11, 2022). Carol Thompson, Feds probe civil rights complaint against Egle over Kalamazoo plant The Detroit News (2021), [available at this link](#) (last visited Mar 11, 2022).

between poor water quality and low-income communities and/or communities of color.²¹ With disastrous climate-related weather events on the rise, these communities are only getting hit harder much like what we've seen with increased flooding and sewage backups in Detroit in recent years. Combined with already rapidly increasing water rates, water shutoffs will continue to be used regardless of ability to pay posing a public health threat.²²

A recent infusion of federal infrastructure funding opens the door to connect jobs and economic development to investing in EJ communities and addressing the racial and gender discrimination in the water infrastructure workforce. A co-authored study by Emerald Cities and PolicyLink examines inclusive procurement and contracting policies, speaking to this issue.²³ We can close economic disparities by increasing educational, job, and business opportunities for low-income people and people of color in green water infrastructure from design to maintenance. For example, the San Francisco Public Utilities Commission has targeted local hiring and inclusive procurement initiatives and the Emerald Cities Collaborative runs training for businesses of color to successfully compete in water infrastructure build out contracts.²⁴

We call on EGLE to fulfill the Justice40 goals in the MHCP. It must ensure equitable water infrastructure investments and prioritize most impacted communities for safe and affordable drinking water, sanitation, and stormwater management. Plans should include more transparency and community engagement from design to implementation. Cleveland's Climate Action Plan, for example, was developed through a racial equity lens and targeted vulnerable communities in its water provisions.²⁵

c. Incorporating the concerns of Tribal Nations

The MHCP has only limited discussion regarding how the State plans to work with Tribal Nations in implementing its goals. Tribes should be viewed as key partners in implementing the MHCP. The State must ensure that the implementation of this plan is sensitive to the unique interests of Anishinaabe people. These include preserving access to cultural sites, safeguarding the ability of tribal people to engage in traditional and treaty-based hunting, fishing, and gathering

²¹ Kristi Pullen Fedinick, Mae Wu, and Erik Olson, Threats on Tap: Widespread Violations Highlight Need for Investment in Water Infrastructure and Protections, May 2, 2017, available at <https://www.nrdc.org/resources/threats-tap-widespread-violations-water-infrastructure>

²² Jennifer Read, Noah Attal, Elin Betanzo, Ritchie Harrison, and Ashley Stoltenberg, Water Service Affordability in Michigan: A Statewide Assessment, available at <https://graham.umich.edu/media/files/MI-statewide-water-affordability-assessment-report.pdf>; Alexander Plum, Kyle Moxley, and Marcus Zervos, The Impact of Geographical Water Shutoffs on the Diagnosis of Potentially Water-associated Illness, with the Role of Social Vulnerability Examined, April 8, 2017, available at https://mediad.publicbroadcasting.net/p/michigan/files/201707/water_shutoffs_and_illnesses.pdf

²³ Denise Fairchild and Kalima Rose, Inclusive Procurement and Contracting: Building a Field of Policy and Practice, Feb. 2018, available at <https://www.policylink.org/resources-tools/inclusive-procurement-and-contracting>

²⁴ E-Contractor Academy: Cleveland/Cuyahoga County, available at <https://e-contractoracademy.com/cleveland>

²⁵ Cleveland Climate Action Plan, 2018 Update, available at <https://www.adaptationclearinghouse.org/resources/cleveland-ohio-climate-action-plan-2018-update.html>

activities. The MAC-EJ fully endorses the comments of the Bay Mills Indian Community and encourages the state to adopt them in whole. Specifically, the State should (1) take a position against the Line 5 tunnel project, (2) improve tribal consultation in climate planning, and (3) devise a plan for preserving rapidly diminishing biodiversity in Michigan.

Michigan is home to twelve federally recognized Tribal Nations. These Tribal Nations and their people maintain a reciprocal relationship with the lands and waters they have nurtured since time immemorial. Further, Michigan would not have become a state without land cessions from tribal nations. These cessions required the removal of some tribal people to reservations west of the Mississippi. Others maintain reservation land within our state and treaty rights in the ceded territory.

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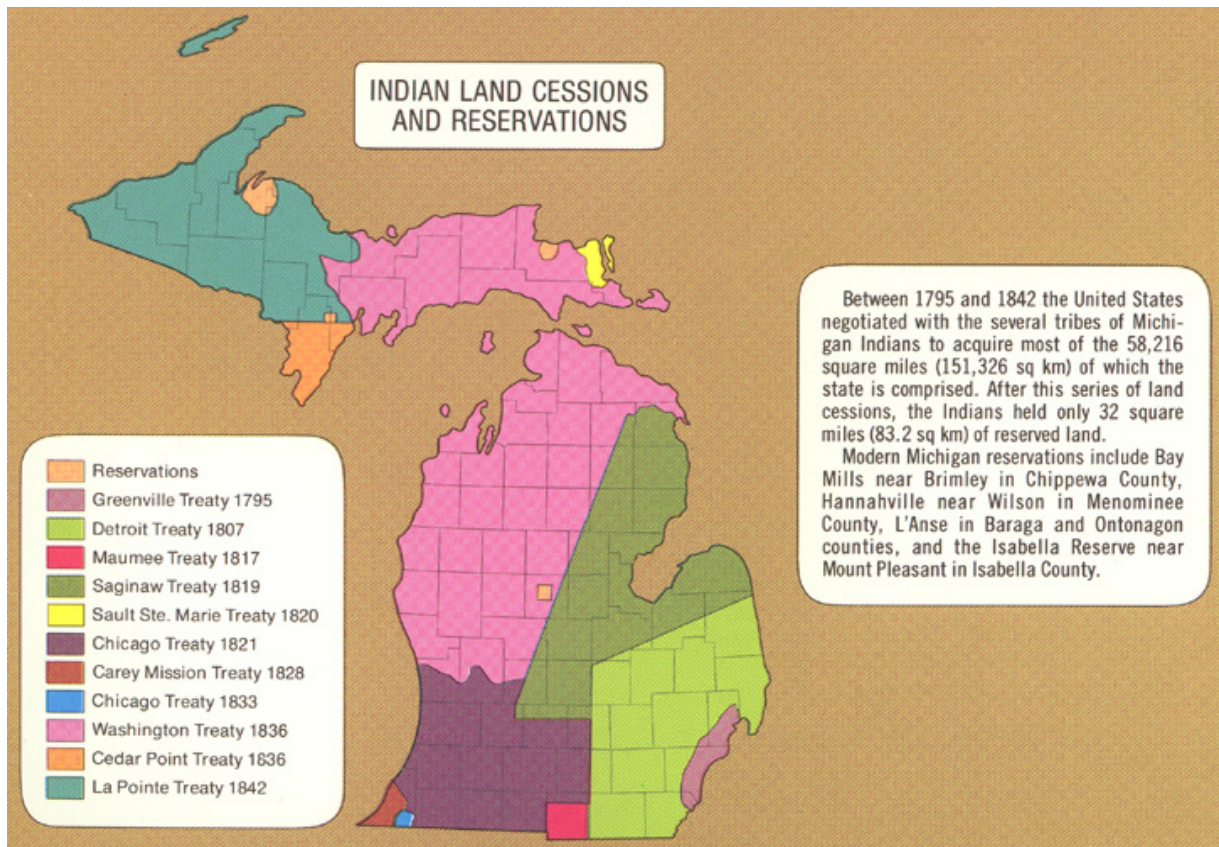
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Indian Land Cessions, https://project.geo.msu.edu/geogmich/Indian_cessions.html.

To protect Tribal interests and ensure environmental justice for Anishinaabe citizens of our State we recommend that the state take the following measures in implementing the MHCP:

1. The State should oppose the Tunnel Project and advocate for the denial of federal permits that will soon be under consideration. The Straits region is an important cultural landscape for Anishinaabe people. Further, the area supports a unique ecosystem that Anishinaabe people depend on for their livelihood. This location is not suitable for a pipeline, or the new proposed tunnel project.
2. The State should improve tribal consultation by developing procedures for notice and comment specific to tribes. These procedures should create the conditions for an open, reciprocal, government-to-government dialogue. Further, EGLE should provide written responses to tribal feedback and the reasoning behind accepting or rejecting any recommendations provided. Lastly, the state should endorse a paradigm of Free Prior and Informed Consent (FPIC) when considering action that affects the interests of Anishinaabe people.
3. The state must work with tribes to ensure that public land preservation is carried out in a manner that preserves the ability to biodiversity exercise tribal treaty rights. Further, the state must plan for mitigating the collapse, which is inextricably linked to climate change.

This will include preventing forest fragmentation in implementing the MHCP's electric transmission goals and restoring wetlands.

The MHCP can serve as an opportunity to strengthen the government-to-government relationship that the State maintains with Tribal Nations in Michigan. The MAC-EJ believes that respect for tribal sovereignty, treaty rights, and unique cultural interests of Anishinaabe people is essential to ensuring the MHCP lives up to its goal of ensuring an equitable and just climate future.

IV. Our Vision for the Future

While the Plan's overall goal of reaching carbon neutrality by 2050 is laudable, the Plan must be significantly revised to ensure it promotes a future that centers equity and environmental justice. In our vision for the future, people of color and lower income will not be forced to bear a disproportionate burden of the environmental risks associated with this Plan and will enjoy equitable access to the environmental and societal benefits this Plan aims to promote.

In a future that centers environmental justice and equity, we all must closely scrutinize the continued operation and new development of fossil fuel-based industries, such as coal and gas-fired power plants as well as oil and gas pipelines and refineries. However, many of the environmental injustices wrought by fossil fuel-based industries are rooted in a deep history of intentional and systemic racism. Even if the continued operation of fossil fuel-based industries are strictly scrutinized, this history of inequity suggests that disproportionate impacts on communities of color will continue so long as such industries are allowed to survive. As such, a future that centers environmental justice and equity will focus on a clear and rapid shift from a fossil-fuel based economy. To commit to such a future, this Plan should expressly state a policy opposing any new or expanded fossil fuel-fired power plants as well as oil and gas infrastructure projects, such as the Line 5 tunnel project.

Additionally, in a future that centers environmental justice and equity, we must ensure the broad, societal shifts and environmental benefits promoted by this Plan are distributed equitably so that communities of color and lower income can fully enjoy these benefits. Once again, our nation's history of intentional and systemic racism prevents a significant obstacle to achieving this vision. Overcoming this obstacle will take creative programs and financial resources to make up for the history of discrimination and decades of disinvestment.

If this Plan is to further environmental justice and equity it must, as the Plan acknowledges, identify deliberative efforts to stem the legacy of environmental injustice and inequity. Undoubtedly, bringing such a future into reality will not be easy. The difficulty of the task is why drastic improvements to the MI Healthy Climate Plan are necessary. While specific recommendations have been provided in these comments, ultimately this Plan needs to describe not only how the State will promote a decarbonized and environmentally just Michigan but also

what that future looks like. If it fails to do that, then the present historical injustices will not only persist, but they will dig their roots deeper and impact yet another generation of Michiganders.

Sincerely,

The Michigan Advisory Council on Environmental Justice